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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/797079 02/10/97 BENNETT C AT9-97-044

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LM02/0811

EXAMINER

ART UNIT	PAPER NUMBER
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2757 247

DATE MAILED:

08/11/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

DETAILED ACTION

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. US patent 5,737,599.

As per claim 1, Rowe teaches a method of downloading a file, consisting of components, from an internet server to a client, comprising the steps of:

generating a profile of the file [col.14 lines 38-60];
initiating a download sequence by which each component is transferred using Internet protocol; and reassembling the components into the file using the profile [col.25 lines 55-68].

Rowe does not specifically disclose downloading one-by-one all of the components prior to reassembling. Rowe discloses downloading only components that needed to display a current page to the user. However, it would have been obvious for one of ordinary skill in the art to download all of the components

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because it would have enabled the user to have a complete copy of the file and would have enabled the user to use the file off-line.

As per claims 2-3, Rowe does not specifically disclose what happen when downloading is interrupted. However, it is apparent that only the component affected by the interruption would need to be restarted.

As per claim 4, it is well known in the art to use FTP for file transfer.

As per claim 5, Rowe discloses the profile includes for each component an identifier, size, and code uniquely identifying the component [fig.15b "signature"].

As per claim 6, it is well known in the art to use CRC code for identifying file object. A method of producing the unique code would have been a matter of design choice well within the level of one of ordinary skill in the art.

As per claim 7, Rowe does not specifically disclose verifying the component transferred is part of the file. It would have been obvious for one of ordinary skill in the art to do so because it would have improved the reliability of the system.

As per claims 8-11, 12-16, 17-20, 21, 22-23, they are rejected under similar rationales as for claims 1-7 above.

As per claim 26, it is rejected under similar rationale as for claim 1 above.

As per claim 27 and 28, the order of transfer is either sequential or not sequential. Since the claims recited both, clearly the sequence of transfer would have been a matter of design choice.

As per claim 29, Rowe does not specifically disclose the client being a Web appliance. Rowe teaching would work equally well whether the client is a computer or a Web appliance. Hence, using a Web appliance would have been an obvious variation from Rowe teaching.

As per claim 30, Rowe does not teach the file being an updated version of a program. Rowe file is a document. However, it is known in the art to download updated program over the Internet. It would have been obvious for one of ordinary skill in the art to use Rowe teaching for transferring updated program because it would have enable the system to download only needed components to upgraded the program.

As per claim 31, it is rejected under similar rationales as for claims 26+29 above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



Dung Dinh
Primary Examiner
July 28, 1999